HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.541 of 2006
Date of decision : 8.12.2006.

Bhagwat Parshad **.....Appellant**
versus
Lekh Ram and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Adarsh Jain, Advocate for the appellant.

* * *

ORDER

HEMANT GUPTA, J. (Oral)

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby his suit for declaration challenging the sale effected by his father in favour of defendant Nos.2 & 3 on 24.2.1997, was dismissed.

It is concurrent finding of both the Courts below that though the suit land is ancestral property in the hands of defendant No.1, but the same has been sold for legal necessity and consideration. Such finding is based on proper appreciation of evidence. It cannot be said that any evidence has been misread or not taken into consideration. Such finding of fact cannot be permitted to be disputed by re-appreciation of evidence in second appeal.

In view of the above, I do not find any patent illegality or irregularity in the findings recorded by the Courts below which may raise any substantial question of law in the second appeal for consideration of this Court.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

December 8, 2006
**mohinder*